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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/196.963 11/20/98 SINGHAL

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MMC1/1205

EXAMINER

ST.D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/196,963

Applicant(s)
Singhal

Examiner
Daniel St.Cyr

Group Art Unit
2876

☒ Responsive to communication(s) filed on Oct 3, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3, 6-10, and 26-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-3 and 6-10 is/are allowed.

☒ Claim(s) 26-40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

☐ Claims _____

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 10/03/00.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Hovakinian, US Patent No. 5,466,919, cited by the applicant.

Hovakinian discloses a credit/charge card system enabling purchasers to contribute to selected charities comprising: a system whereby a credit cardholder may make an automatic contribution to a selected charity or charities every time he or she makes a purchase of goods or services using the credit card. This would require a bank-expedited approach to identifying and paying the contribution to the given charity or charities. As such, assuming a willingness of credit card issuing organizations and banks to cooperate, there are only two things necessary for this system to work. These are a credit card which identifies the selected charity or charities, and a transaction processing method which enables the bank to pay the proper amount to a designated charity as well as including the normal cardholder billing (see figure 3).

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Allowable Subject Matter

4. Claims 1-3, 6-10, and 26-27 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: the best prior art of record fails to teach or fairly suggest bar coding customer-benefactor identification data on one side of the card and charity identification data on the other side of the card, wherein the plurality of charities are bar coded along the percent split of charitable contributions among the plurality of charities. These limitations in conjunction with other limitations of the dependent and independent claims were not shown by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

Response to Arguments

6. Applicant's arguments filed 10/3/00 have been fully considered but they are not persuasive. (See examiner remarks).

REMARKS:

In response to the applicant's general argument concerning the new added claims 26-40 that the credit card is not a charitable card system, the examiner respectfully disagrees. The card has charitable information for donating contribution to selected charities (see col. 2, lines 16-30). The card is a charitable card system. The applicant's argument is not persuasive. Refer to the rejection above.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel St.Cyr** whose telephone number is (703) 305-2656. The examiner can normally be reached between the hours of 7:30 AM to 6:00 PM Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Lee**, can be reached on (703) 305-3503. The fax phone number for this Group is (703)308-5841 or (703) 308-7722.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

December 1, 2000

IDS

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800